

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Liquefied Petroleum Gas

Fill Plant Operator Training

Adopted New Rule: N.J.A.C. 5:18-10.4

Proposed: March 3, 2003 at 35 N.J.R. 1176(a).

Adopted: May 22, 2003 by Susan Bass Levin, Commissioner,

Department of Community Affairs.

Filed: _____, 2003 as R. 2003, d. _____, **with technical changes** not

requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A 21:1B-2, 9 and 15.

Effective Date: _____, 2003.

Expiration Date: June 5, 2005.

SUSAN BASS LEVIN, Commissioner

Summary of Public Comments and Agency Responses: No comments received.

Summary of Advisory Board Comments and Agency Responses:

COMMENT: At the May 20, 2003 meeting of the Liquefied Petroleum Gas Education and Safety Board, several members requested clarification as to the respective roles of the marketer and of the business operating the tank.

RESPONSE: The rule establishes the responsibility of both parties for ensuring that any person dispensing LP Gas is trained to do so. The rule must be understood in its context, the subchapter on the licensing of marketers, to mean that the marketer is responsible to provide training for such persons. However, the business operating the tank has the responsibility to ensure that only trained employees dispense LP Gas and to contact the marketer whenever there are new employees to be trained. Because this is a liquid transfer, it is subject to annual inspection by the Department. The Department will

confirm compliance with the training requirement at the time of inspection. Both the marketer and the business operating the tank will need to maintain training records in order to document compliance.

Summary of Agency-Initiated Changes: At N.J.A.C. 5:18-10.4, the section heading has been changed to eliminate any possible confusion with the term "employee" as it is used in Section 10.3. Also, "filling plant" has been changed to "fill plant" because "fill plant" is the defined term.

Federal Standards Statement

No Federal standards analysis is required because this rule is not being adopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State statute that incorporates or refers to Federal law, standards or requirements.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*).

5:18-10.4 *[Employee]****Fill plant and dispensing station operator*** training

(a) All *[filling]****fill*** plant or dispensing station operators shall be trained using the "Dispensing Propane Safely" manual (2000 edition) published by the National Propane Gas Association, incorporated therein by reference, or an equivalent accepted by the Department. An employee shall receive training prior to dispensing LP-Gas. It shall be the responsibility of the business operating the tank, working together with the marketer, to ensure all employees dispensing LP-Gas are trained properly.

(b) (No change.)